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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,666	03/14/2002	Kwang Ho You	MM4518	5705

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New York, NY 10020

EXAMINER

HAWKINS, CHERYL N

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/098,666

Applicant(s)

YOU, KWANG HO

Examiner

Cheryl N Hawkins

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims refer to the invention as being an “adhesive tape”, however the structural limitations recited in the claims suggest that the invention is actually an adhesive tape dispenser. For the purposes of examination, it will be assumed that the claimed invention is an adhesive tape dispenser.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manusch (US 5,125,588) in view of Kageyama et al. (US 6,325,130), Kelders et al. (US 6,684,924), Liu (US D449,858), and Yen (US 6,620,239). Manusch discloses an adhesive tape dispenser having an adhesive tape coated with an adhesive material (Figure 2, tape 11) which adheres to a predetermined surface of an object (Figure 1) while passing through a predetermined

Art Unit: 1734

path, the adhesive tape dispenser comprising a pair of casings (Figure 1, dispenser holder 1, cover 3) which are large enough to accommodate the tape, are vertically separable from each other around a rear end (Figure 1, pivot 4), and which have a tape outlet provided at each leading edge thereof; a refill frame (Figures 1 and 2, cartridge 2) shaped of a panel so as to be mounted inside the casings, having a tape guide (Figure 2, guide bar 14) protruding at the tape outlet to allow the tape to be drawn out there through; and two first and second toothed gears (Figure 1, gears 26 and 27) each rotatably installed in the refill frame to support a feed roller (Figure 2, supply spool 8) on which the tape is wound and to make a withdrawal roller (Figure 2, take-up spool 9) for withdrawing the tape unwound from the feed roller which rotates in a direction opposite to that of the feed roller.

As to Claim 1, Manusch does not disclose the casings as being connected to each other by a fixing ridge and a hooking groove. It is well known and conventional in the apparatus arts, as disclosed by Kageyama et al. (column 3, lines 57-66), to use a fixing ridge and a hooking groove to securely fasten two portions of a casing together. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the casings of Manusch to each other by a fixing ridge and a hooking groove as suggested by Kageyama et al. to securely fasten them thereby eliminating the risk of the casings separating while using the device.

As to Claim 1, Manusch does not disclose an adhesive tape dispenser having a protective cap. It is well known and conventional in the tape dispenser art, as disclosed by Kelders et al. (column 5, lines 2-27), to provide a dispenser with a cap to protect the exposed end of a tape guide which projects from a discharge opening. Liu discloses a tape dispenser having a pair of casings; a protective cap rotatably connected to the tape outlet side of the casings to protect the

Art Unit: 1734

tape; hinge holes formed at one surface of the tape outlet; and hinge pieces, the hinge pieces formed at one end of the protective cap and connected to the hinge holes (Figures 1 and 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tape dispenser of Manusch to include a protective cap rotatably connected to the tape outlet side of the casings as suggested by Liu and Kelders et al. to protect the exposed end of the tape guide. It is noted that when modifying the tape dispenser of Manusch, which has vertically separable casings, it would have been readily apparent to one of ordinary skill in the art to place the pivot for the protective cap on the side rather than at the top of the tape outlet.

As to Claim 1, Manusch is silent as to having a guide projection integrally formed with the tape guide. It is well known and conventional in the tape dispensing art, as disclosed by Yen (Figure 1), to provide a tape dispenser with guide projections integrally formed with the tape guide to channel the movement of the tape across the tape guide. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tape guide of Manusch to include conventional guide projections as suggested by Yen to channel the movement of the tape across the tape guide.

As to Claim 3, the references as combined (see Manusch) disclose an adhesive tape dispenser which includes a backward rotation preventing device configured such that a latch is formed in the refill frame and a latch gear is formed at a rear surface of the second toothed gear for supporting the withdrawal roller to make the first and second toothed gears rotate in one direction only (Figure 2, brake 17; column 4, lines 34-39). It would have been readily apparent to one of ordinary skill in the art at the time of the invention to provide the latch gear on either the feed roller or the withdrawal roller to prevent undesirable reverse movement of the rollers.

Art Unit: 1734

As to Claim 4, the references as combined (see Yen) disclose an adhesive tape dispenser wherein the refill frame has arc-shaped projections provided upwardly at both sides of the tape guide (Figure 1).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manusch (US 5,125,5889), Kageyama et al. (US 6,325,130), Kelders et al. (US 6,684,924), Liu (US D449,858), and Yen (US 6,620,239) as applied to claim 1 above, and further in view of Nogueira (US 4,622,744). The references as combined do not disclose an adhesive tape dispenser wherein the protective cap includes a mechanism for holding the cap in its open position during operation of the tape dispenser. When modifying the adhesive tape dispenser of Manusch as noted above to include a protective cap which is pivotally mounted on the side of the casings, it would have been readily apparent to one of ordinary skill in the art that the protective cap would require a mechanism to keep it in its open position during use of the tape dispenser. It is well known and conventional in the apparatus art, as disclosed by Nogueira (Figures 1 and 2, projection 7, hole 4; column 2, lines 3-9), to use a fixing hole and a fixing projection to maintain a structural element in its operative position. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the protective cap and casings of Manusch to include a fixing hole formed on one surface and a fixing projection on the other surface as suggested by Nogueira to securely maintain the pivotably mounted cap in its open position during use of the tape dispenser.

Art Unit: 1734

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manusch (US 5,125,588), Kageyama et al. (US 6,325,130), Kelders et al. (US 6,684,924), Liu (US D449,858), and Yen (US 6,620,239) as applied to claim 1 above, and further in view of Tamai et al. (US 6,595,260). The references as combined do not disclose a support frame installed in the refill frame. Tamai et al. discloses a tape dispenser which has a refill frame with a support frame that includes a coupling hole formed at the center thereof and a plurality of projections formed radially around the coupling holes to securely support the feed roller and the withdrawal roller (Figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the refill frame of Manusch to include a support frame having a coupling hole formed at the center thereof and a plurality of projections formed radially around the coupling holes as suggested by Tamai et al. to securely support the feed roller and the withdrawal roller

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N Hawkins whose telephone number is (571) 272-1229. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (517) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Cheryl N. Hawkins* 3/17/04  
Cheryl N. Hawkins  
March 17, 2004



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